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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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MERCEDES F. SCOTT,

No. C 09-01165 WHA

Plaintiff,

v.

**ORDER SETTING NEW
BRIEFING SCHEDULE**

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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17 The Court has received plaintiff's letter responding to the order to show cause. Because
18 plaintiff has sufficiently explained why she did not file her summary judgment motion earlier, the
19 deadline is hereby extended to **NOVEMBER 20, 2009**. If no motion is filed by this date, the case
20 shall be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil
21 Procedure.

22

By that time, plaintiff must submit a detailed written explanation of why she believes the
23 conclusions of the Administrative Law Judge (1) were not supported by substantial evidence,
24 (2) contained errors of law, or (3) demonstrated an abuse of discretion. Plaintiff may, but need
25 not, submit new evidence in support of her summary judgment motion, as our review of the ALJ's
26 decision will be based on the administrative record.

27

After plaintiff files her summary judgment motion, defendant will then have thirty days to
28 file an opposition. Plaintiff should be aware that she will need to respond with a reply brief
within fourteen days of defendant's opposition. The matter will then be deemed submitted for

1 consideration without oral argument. Plaintiff is further advised to seek legal representation to
2 help her during this process.

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4 **IT IS SO ORDERED.**

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6 Dated: October 20, 2009.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE